

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DANIELLE BITON,

Plaintiff,

-against-

UNITED AIRLINES, AFA-AFL-CIO;
FIDELITY INSURANCE; INTERNAL
REVENUE SERVICES; DEPARTMENT OF
JUSTICE, ET AL.,

Defendants.
-----X

JUDGMENT
09-CV- 2831 (CBA)

A Memorandum and Order of Honorable Carol Bagley Amon, United States District Judge, having been filed on October 30, 2009, dismissing the action for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(h)(3) and further because the Court believes that the action is frivolous; certifying pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the Court's Memorandum and Order would not be taken in good faith; and denying *in forma pauperis* status for purpose of an appeal; it is

ORDERED and ADJUDGED that plaintiff take nothing of the defendants; that the action is dismissed for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(h)(3) and further because the Court believes that the action is frivolous; that pursuant to 28 U.S.C. § 1915(a)(3) any appeal from the Court's Memorandum and Order would not be taken in good faith; and that *in forma pauperis* status is denied for purpose of an appeal.

Dated: Brooklyn, New York
November 02, 2009

/S/

ROBERT C. HEINEMANN
Clerk of Court